

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRANQUILINO CANDIA,
*on behalf of himself, FLSA Collective Plaintiffs,
and the Class,*

Plaintiff,

-against-

DIMI GYRO LLC d/b/a CHIRPING CHICKEN,
PANATHA CHICKEN LLC d/b/a CHIRPING
CHICKEN, BARUCH CHICKEN LLC d/b/a
CHIRPING CHICKEN, 81 STREET CHICKEN
CORP d/b/a CHIRPING CHICKEN,
DEMETRIS PAPAS, and MICHALIS
KOKKINOS,

Defendants.

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No. 1:18-cv-7627-RWL

ORDER AND JUDGMENT

ROBERT W. LEHRBURGER, United States Magistrate Judge.

On March 4, 2020, Plaintiff Tranquilino Candia ("Plaintiff") moved to enforce the Settlement Agreement and Release ("Settlement Agreement") in this action (the "Motion"). (Dkt. 63-65.) Defendants have not submitted any opposition or other response to the Motion despite having been given a deadline of March 18, 2020 for doing so. (Dkt. 66.) Having considered the Motion and supporting papers (including proof of notice of default at Dkt. 68) and the prior proceedings in this action, the Court finds that Defendants have breached the Settlement Agreement and have failed to cure within the required time period. Accordingly,

1. The Clerk of Court is respectfully requested to enter Judgment against Defendants in the amount of \$4,058.44 (which includes pre-judgment interest at the rate

of 9%);

2. Defendants shall pay Plaintiff the amount of \$4,058.44 (which includes pre-judgment interest at the rate of 9%), pursuant to the Settlement Agreement, within seven (7) calendar days of the entry of this Order and Judgment;

3. Defendants shall provide to Plaintiff the documents required by the Settlement Agreement, specifically (i) an executed Confession of Judgment and (ii) copies of Michalis Kokkinos's passport, driver's license, and society security card, all within seven (7) calendar days of the entry of this Order and Judgment;

4. Defendants shall pay Plaintiff's counsel \$1,087.50 in attorneys' fees incurred in connection with the enforcement of the Settlement Agreement within seven (7) calendar days of the entry of this Order and Judgment;

5. Pursuant to New York Labor Law Section 198(4), if any amounts remain unpaid upon the expiration of ninety (90) days following issuance of judgment, the total amount of the judgment shall automatically increase by fifteen (15%) percent.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: March 19, 2020
New York, New York

Copies transmitted to all counsel of record.